

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	Case No. 2:09-CR-2-1- JRG-RSP
	§	
ANTHONY UPCHURCH	§	

MEMORANDUM ORDER

The Court referred a petition, alleging violation of supervised release conditions, to United States Magistrate Judge Roy Payne at Marshall, Texas for consideration pursuant to applicable laws and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the July 10, 2014, revocation hearing, Defendant, defense counsel and counsel for the government signed a standard form waiving their right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's report, consenting to revocation of supervised release and consenting to the imposition of the sentence recommended in the report. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the report and recommendation immediately.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. It is therefore


ORDERED that the Defendant's plea of true to allegations as set forth in the government's petition be **ACCEPTED**. Based upon the Defendant's plea of true to the allegations, the Court finds that the Defendant violated the conditions of his supervised release.

It is further

ORDERED that the Defendant's supervised release be **REVOKED**. Judgment and commitment will be entered separately, in accordance with the Magistrate Judge's recommendations. It is further

ORDERED that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 7 months and 5 years supervised release with the first 6 months in a residential reentry house with a drug treatment program. The Court recommends service of sentence at FCI Texarkana.

So ORDERED and SIGNED this 5th day of August, 2014.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE